TRIALS—SPECIAL INTERROGATORIES.—In ejectment, where defendant claimed title under a lost deed from a grantor who had acquired title by adverse possession, defendant tendered two special interrogatories, the first asking whether there had been the adverse possession claimed, and the second whether there had been any such deed as alleged. *Held,* the questions were rightly refused, since neither question standing by itself calls for an answer which would have been controlling. *Tyler* v. *Wright, et al.,* (Mich. 1915), 155 N. W. 353.

It is the general rule, in Michigan and elsewhere, that only those questions may be submitted which require answers that will control a general verdict. *Sheahan* v. *Barry,* 27 Mich. 217, 224; *Harbaugh* v. *Cicott,* 33 Mich. 241, 246; *Fowler* v. *Hoffman,* 31 Mich. 215, 220; *C. & N. W. R. Co.* v. *Dunleavy,* 129 Ill. 132; 20 ENCYC. PL. AND PR., 328; 2 THOMPSON, TRIALS, (2nd Ed.) 1953. The decision of the principal case is to the effect that each separate question submitted must answer this requirement, and that the several questions may not be considered together for this purpose. Such a decision effectually denies the use of the special interrogatory to the party sustaining the affirmative of an issue. Whether the issue involves one or more elements, a single question, an answer to which would control the general verdict, would not differ in its scope or effect from the general verdict itself Such a question would be of no practical value, and the court would undoubtedly refuse to submit it. *Daniells* v. *Aldrich,* 42 Mich. 58. An examination of the authorities, however, shows that the use of the special interrogatory has not been restricted to any such limits as those declared in the opinion of the court. In *Hemenway* v. *Burnham,* 90 Mich. 227, the defendant set up the affirmative defense that certain debts, originally owed by him to the plaintiff, had entered into their partnership accounts, and the lower court's judgment was reversed and a new trial awarded for the refusal to submit special questions as to the entry of credit, the entry of a debit, the plaintiff's knowledge of these entries, and his acquiescence therein. And in *Ward* v. *Cook,* 158 Mich. 283, 302, an action of assumpsit for money advanced, the plaintiff undertook to prove misrepresentations and fraud on the part of defendant, and was allowed to ask special questions as to his reliance upon the defendant's representations as to their falsity. No one of the questions asked in either of these cases could control a general verdict against the propounder, but the questions taken together might control such a verdict. The same would be true in the principal case. A permanent departure from the rule of these former cases would tend to impair the usefulness of the special interrogatory, and is not to be desired.

WILLS—PARTIAL CANCELLATION AND ITS EFFECT ON THE RESIDUE OF THE WILL.—After the testator had duly executed his will, certain lines were drawn through some of the bequests with the intention upon the part of the testator to revoke such bequests. In determining what disposition the law makes of the legacies revoked by cancellation, *held,* that such devises as were revoked passed under the residuary clause. *Barfield* v. *Carr,* (N. C. 1915) 86 S. E. 498.